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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/714,695   | 11/17/2003  | Simson L. Garfinkel  | SAND-010            | 5389             |
| 40947  | 7590        | 03/08/2005           | EXAMINER            |                  |
| STUART RUDOLER LLC<br>ATTN: DOCKET CLERK<br>2 BALA PLAZA, SUITE 300<br>BALA CYNWYD, PA 19004 |             |                      | BOAKYE, ALEXANDER O |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2667                |                  |

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/714,695

**Applicant(s)**

GARFINKEL, SIMSON L.

**Examiner**

ALEXANDER BOAKYE

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-6 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No.6, 678,270.

Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite a processed packet store; and a processor configured to process a current processed the message packet of the current processed message packet and a hash value associated with a hash value with a previous processed message packet with the only difference between the claims of the instant invention and the claims of the patent being that the claims of the instant application is broader than the claim of the patent and also the preamble of the claim of the instant application recites a packet interception system for intercepting message packets

transferred over a network while the preamble of the claim of the patent discloses a packet verification system for verifying message packets intercepted over a network. Therefore, it would have been obvious to one of ordinary skill in the art to implement the instant application using packet interception with the motivation being that it provides authentication of intercepted packets, thus enhancing security.

Claims 7-11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of U.S. Patent No. 6,678, 270. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite in which the selected value includes a session identifier value with the only difference between the claims of the instant invention and the claim of the patent being that the claims of the instant application is broader than the claim of the patent and also the preamble of the claim of the instant application recites a method of processing message packets intercepted over a network while the preamble of the claim of the patent discloses a packet verification method for verifying message packets intercepted over a network and stored in a processed packet store. Therefore, it would have been obvious to one of ordinary skill in the art to implement the instant application using packet interception with the motivation being that it provides authentication of intercepted packets, thus enhancing security.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz et al. (US Patent # 5,548,646 ) in view of Hughes (US Patent # 6,122,372).

Regarding claims 1, 2, 7, 8 and 23, Aziz teaches a packet interception system (Fig. 3) for intercepting message packets transferred over a network the packet interception system comprisingn : a processed packet store ( column 4, lines 31-45) ; and an intercepted packet processor configured to processed a currently-intercepted message packet ( column 4, lines 18-22 ; see Figs. 3, 4 and Fig. 6 ). Aziz does not disclose a hash value generated for a previously-processed message packet in connection with a selected hash algorithm to generate a hash value for the currently-intercepted message packet thereby to generate a processed packet.

However, Hughes teaches a hash value generated for a previously-processed message packet in connection with a selected hash algorithm to generate a hash value (column 19, lines 1-15 ; see Fig. 9 ) for the currently-intercepted message packet thereby to generate a processed packet. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hughes communication system including hash algorithm with Aziz's communication system

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with the motivation being to provide capability for the system use message identifier to filter out unwanted messages, thus enhancing network security.

Regarding claim 3, the claimed session identifier reads on tunneling bridge identifier (column 7, lines 38-42 ).

Regarding claims 4 and 10, Aziz teaches that the intercepted packet processor (Fig. 4 @ TB1). Aziz fails to teach a time stamp reflective of a time and the time stamp further being used in generating the hash value. However, Hughes discloses a time stamp (column 15, lines 5-9) reflective of a time and the time stamp further being used in generating the hash value (column 19, lines 1-15 ). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate Hughes' communication system including hash algorithm and time stamp with the motivation being to provide capability for the system use the message identifier to filter out unwanted messages, thus enhancing security. See the explanation as set forth in the rejection of claim 1.

Regarding claims 5 and 11, Aziz discloses: that the intercepted packet processor (Fig. 4 @ TB1) is further configured to generate, for selected processed message packets, respective digital signatures (column 12, lines 37-42), and to store each digital signature in the processed packet store (column 4, lines 31-45) with the respective processed message packet for which it was generated.

Regarding claims Aziz teaches that an intercepted system monitor configured to monitor at least one predetermined aspect of operation of the packet processor , the intercept system monitor communicating with the packet processor (column 7, lines 5-14) over a wireless communication link.

Regarding claim 9, Aziz teaches that the selected value includes a session identifier value ( column 9, lines 17-21; the claimed session identifier is contained in the session key).


### Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272- 3179. The fax number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4750.

Alexander Boakye  
AB  
Patent Examiner

9/20/05

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2667 2/22/05